

**PLANNING AND DEVELOPMENT COMMITTEE**  
**McHenry County Government Center – Administration Building**  
**667 Ware Road – Conference Room A**  
**Woodstock, IL 60098**

MINUTES OF THURSDAY, SEPTEMBER 15, 2011

Chairman Hill called the Planning and Development Committee meeting to order at 8:34 a.m. The following members were present: Tina Hill, Chairman; Randy Donley; Mary Donner; Sue Draffkorn; Jim Heisler; Marc Munaretto and Ersel Schuster. Also in attendance: Peter Austin, County Administrator; Dennis Sandquist, Matt Hansel, Darrell Moore and Maryanne Wanaski, Planning and Development; Diane Evertsen, County Board; Pam Palmer and Shannon Teresi, Auditor's Office; Evert Evertsen, Housing Commission; and interested public.

Tina Hill, Chairman	
Randy Donley	Mary L. Donner
Sue Draffkorn	Jim Heisler
Marc Munaretto	Ersel Schuster

MINUTE APPROVAL: None.

PUBLIC COMMENT: None.

PRESENTATIONS: None.

SUBDIVISIONS:

*Subdivision Extension – The Preserve at Twin Creeks:* Mr. Moore reported that this is the third request for a one-year extension for this subdivision which consists of 67 lots off of U.S. 20 in Coral Township. A letter from the developer explains the reason for the extension is because of the significant recession and the lack of demand for housing. Letters from the McHenry County Health Department, McHenry County Division of Transportation and the County's Chief Stormwater Engineer were provided which noted no objections to an extension at this time. This subdivision is currently at the Final Plat stage. The motion carried on a voice vote of all ayes (Donley, Donner, Draffkorn, Heisler, Munaretto, Schuster and Hill).

OLD BUSINESS: Mr. Donley spoke on behalf of Bob Zimmerman, owner of Zimmerman Farm Drainage on Rose Farm Road in Woodstock, Illinois. Mr. Zimmerman contacted Mr. Donley and requested Mr. Donley state his concerns to the committee and that his concerns become a part of today's meeting minutes. Mr. Donley stated that Mr. Zimmerman has a Conditional Use Permit (CUP) for his property and he recently received a violation notice from the Planning & Development (P&D) Department stating that he is violating the CUP because he has vehicles parked outside. Mr. Zimmerman does not know why he is accused of operating illegally because he is operating a farm business on farm property. He has hired an attorney to represent him on this matter. Mr. Moore mentioned that to his recollection, Mr. Zimmerman's CUP was a site plan stating that he would not have outdoor storage of vehicles on certain areas of his property, or only have indoor storage of vehicles. Staff will follow up with Mr. Zimmerman concerning this matter.

NEW BUSINESS:

*Appointment – Greenwood Drainage District–Keith Weingart:* Mr. Munaretto made a motion, seconded by Ms. Draffkorn, to recommend the appointment of Keith Weingart to the Greenwood Drainage District. Mr. Weingart was unable to attend today's meeting. The term for this appointment will expire on September 1, 2014. Ms. Schuster mentioned that she will be voting against this appointment because she feels they should have some connection to the people being appointed to committees and commissions. The motion carried on a roll call vote of five ayes (Donley, Donner, Draffkorn, Heisler and Munaretto) and two nays (Schuster and Hill).

*Recommendations for Consultants for the USEPA Brownfield's Grant (Resolution Authorizing a Contract for Brownfields Assessment Services with URS Corporation):* Ms. Donner made a motion, seconded by Mr. Donley, to recommend the County Board approve the above resolution as presented. Mr. Moore mentioned that on July 21, 2011 the Committee gave staff the approval to apply for a USEPA Brownfields Assessment Grant which is 100% funded by the USEPA. No matching funds are required and the performance period for an assessment grant is three years. The grant is for locating brownfield sites and to determine what level of pollution the sites have, and what would be required to clean up the sites. This grant would not be used for cleaning up the sites. The County posted an RFP and six proposals were received. URS Corporation was selected as the most qualified vendor. They are a national environmental engineering firm with an office in Chicago. Their Chicago office is the hub of where they do their brownfield grants. URS Corporation will be writing the grants with assistance from the P&D staff. Staff will be responsible for managing the grant over the three year performance period designated by the USEPA. They will be responsible for producing quarterly reports; however, staff can still negotiate with URS to have them assist staff with those services. There is a public outreach component that is a requirement of the grant which will require staff to attend meetings over the course of the three year grant period. Overall, approximately 99% of the work will be completed by the consultant. There may be grant funds that may be applied to cover materials and staff/administration expenses. Mr. Moore stated that brownfields are sites that are polluted. The end goal of this project is economic development. Many sites in the County may be undeveloped because people have a perception of sites possibly being polluted. Brownfield assessments review the history of the site, test the soil, and in some cases conclude that the site is not polluted which will make the site more marketable. If pollution is located on a site, the brownfield assessment will conclude with an estimate as to what it will cost to clean up the site which will then make the site more attractive for future development. Mr. Munaretto mentioned that there is a published record of sites that are either actual or suspected brownfield sites. Mrs. Schuster stated that she would like to see the published record of sites. Mr. Moore mentioned that a major aspect of this grant is for the URS Corporation to do research and locate brownfield locations. It is suspected that only a small amount of sites will be located in unincorporated McHenry County. A major part of the work will have to be done with cooperation with municipalities who have already expressed an interest in becoming involved in this project. Municipalities have been eligible to apply for this grant in the past, but may have been discouraged by the regulations and paperwork. The County will be able to provide oversight for this project to multiple municipalities. Mr. Sandquist mentioned that the goal is economic development. This program helps to implement the 2030 Plan and encourages compact, contiguous development and redevelopment as opposed to brownfield development. A list of approximately ten potential sites for Phase I inventories will be presented to the P&D Committee. Some sites may be chosen that may have significant potential contamination that may require Phase II of this project which would require more in depth field analysis of the sites. Ms. Schuster mentioned that since municipalities have the ability to do brownfield assessments, she questioned if they could isolate Phase I sites to rural McHenry County. Mr. Sandquist answered yes, but they may want to consider including municipalities because he feels that many of the sites will be located in municipalities. Mr. Moore mentioned that the County has a need for this project. URS Corporation will be doing all the work to seek the grant on behalf of the County over the next year, even though the grant, if awarded, will not begin until the fall of 2012. There will not be a charge to the County for the URS Corporation to prepare the grant. Ms. Donner feels this is a good project, especially the intergovernmental cooperation with municipalities. Mr. Sandquist mentioned that assessments cannot be done on property where the property owner is not interested in having it done. Ms. Schuster mentioned that this project has merit to it, but she will be voting against it because the County is looking at major budget problems and considerations and there will be staff time involved in this project. She would support the project if they would identify rural McHenry County sites and have those sites taken care of first. Mr. Sandquist stated that they would not hire new staff to assist with this project, but would use existing staff resources to oversee the project. Mr. Munaretto stated that he supports the project and to take advantage of the resources available to the County. The motion carried on a roll call vote of six ayes (Donley, Donner, Draffkorn, Heisler, Munaretto and Hill) and one nay (Schuster).

*Resolution Approval to Enter Into Contract with Mullins & Lonergan Associates for the Preparation of an Analysis of Impediments to Fair Housing Choice:* Ms. Donner made a motion, seconded by Ms. Draffkorn, to recommend the County Board approve the above resolution as presented. Ms. Wanaski and Mr. Evertsen joined committee members to discuss this resolution. Mr. Evertsen will be the liaison with staff for this study. Ms. Wanaski stated that the federal government passed the Federal Fair Housing Act approximately one year ago and the County is required to provide an updated Analysis of Impediments as mandated under this Act. The last time the County conducted an Analysis of Impediment study was in 1997 and it was based on 1990 data. The Housing Commission plans to have the study completed by mid-March, 2012 at the latest. This is a county-wide study. An RFP was posted and six firms responded. The Housing Commission voted to recommend Mullins & Lonergan Associates (MLA) to prepare the Analysis of Impediments to Fair Housing Choice. The analysis will include information on where the County is weak in terms of fair housing choices. The analysis will analyze the impediments and identify them. MLA counts on on-line data bases to gather their information and they will be checking ordinance and zoning codes for all municipalities in the County. The analysis will also have suggestions on ways to remediate the impediments. MLA's proposal clearly outlined the County's and the consultant's responsibilities, as well as a timeline wherein interim reports will be produced. The funds to pay for this study are budgeted in the Home Investment Partnerships (HOME) administration funds. Mr. Evertsen mentioned that he reviewed the proposals received from the RFP. After extensive review by staff and himself, they all came up with the recommendation for the same company, that being MLA. Ms. Draffkorn complimented the Housing Commission, Legislative Committee, on doing a great job. They read through all the proposals and it was a lot of hard work for everyone involved. The motion carried on a roll call vote of six ayes (Donley, Donner, Draffkorn, Heisler, Munaretto and Hill) and one nay (Schuster).

*Community Development Block Grant (CDBG) Commission Membership:* Ms. Wanaski, Ms. Palmer and Mr. Sandquist joined committee members to discuss the structure of the CDBG Commission. Ms. Wanaski reported that concerns have been raised pertaining to the current structure of the CDBG Commission and possible conflicts of interest. Concerns have also been expressed relating to the structure and approval process for federal grant programs as it currently stands with the CDBG Commission. Currently the Commission structure allows for members of entities that receive CDBG funding to either be directly appointed to the Commission, or by general public appointments. The current Commission reflects cases where the general public appointments are executive directors and/or board members or employees of organizations receiving funds. The Commission practices the process of declaration of conflict of interest and recusal during voting on line items. There is a concern that there may be a possibility that Commission members are still participating in discussion in conjunction with voting which may directly impact funding for the agency being personally represented, or that may be in competition. Having received consultation from the State's Attorney, staff recommends having a structure similar to the Housing Commission which is comprised of a voting bloc and an ex-officio bloc of members. The Commission's membership expired on July 31, 2011, and they serve until being re-appointed or having new members appointed. It was suggested by Committee members that all voting members of the CDBG Commission may not be associated with work that the Commission funds. Ms. Wanaski mentioned that the Commission currently has 17 members and it has been difficult to have a quorum of members at meetings. She also asked Committee members to consider reducing the number of Commission meetings and suggested that they meet quarterly. The Commission will need to meet when there are funding decisions to be made, and also for the Action Plan. It was the consensus of the Committee that the restructuring of the CDBG Commission structure proceed with staff preparing proposed by-law amendments. It was the consensus of the Committee to suggest that the CDBG Commission consist of a minimum of seven and a maximum of nine voting members. It was the consensus of the Committee to suggest that the CDBG Commission meet a minimum of four times per year. Concerning ex-officio members, the Commission would like to have members consisting of a representative from the township supervisors and a representative from the township road commissioners. Ex-officio members would be able to discuss Commission matters, but would be unable to vote. Staff will present suggested CDBG Commission by-law changes to the Committee at a future date.

REPORTS TO COMMITTEE:

*Community Metropolitan Agency for Planning (CMAP):* None.

*Community Development Block Grant (CDBG) Commission:* None.

*Historic Preservation Commission:* Mr. Sandquist stated that the Commission has conducted three interviews for one open position on the Commission and they will be voting on a recommendation at their October 5, 2011 meeting. The Commission will then submit their recommendation to the Committee for this appointment. Chairman Hill requested a report be provided to this Committee and to the Management Services Committee concerning the Victory Garden.

*Housing Commission:* None.

MISCELLANEOUS:

Mr. Sandquist reported that a stormwater engineer will be taking emergency medical leaves in October and again in December, 2011. He stated that the stormwater division is struggling to keep up with the workload and amount of permits. He would like to bring a resolution before the County Board at the October 4, 2011 meeting requesting the reallocation of funds which would allow the existing consulting engineers to review permits. There will not be another P&D meeting before the October 4, 2011 County Board meeting and he would like to present a resolution to the Finance and Audit Committee meeting on September 27, 2011. Mr. Munaretto stated that he has never been a proponent of having their own internal staff person/PE (professional engineer) as stated many times in the past. This may be an opportunity to reflect on the need to hire a company that has a depth of staff that will not create a log jam if one person becomes ill or decides to leave the organization. Ms. Schuster agrees with Mr. Munaretto and suggests that they look at the structure of the department. It was the consensus of the Committee to allow Mr. Sandquist to bring a resolution to the September 27, 2011 Finance and Audit Committee meeting and to the October 4, 2011 County Board meeting requesting the allocation of funds to have the existing consulting engineer review permits.

Mr. Hansel stated, as a follow up to Bob Zimmerman's CUP violation for his property located on Rose Farm Road that the violation has been closed. The department conducted an inspection on September 13, 2011 and closed the violation with no further action being taken. A recent inspection of properties with conditional use permits found trucks parked on Mr. Zimmerman's property. The CUP issued to Mr. Zimmerman is for indoor storage only and there was at least one commercial truck being stored outdoors. All outdoor storage matters have been resolved and the violation has been closed. Mr. Hansel mentioned that in the past the Committee was provided with a copy of a map listing all of the conditional uses in the County. The inspection of Mr. Zimmerman's property was part of the department's annual inspection process of all conditional uses and making sure they were in compliance. Staff will follow up with Mr. Zimmerman on this matter.

Mr. Donley stated that there is property located on Rt. 20 that does not have proper zoning and also has zoning violations. There are vehicles on the property with "for sale" signs on them. The owner will remove the signs when he receives complaints about the signs. The property in question does not have a conditional use permit. Mr. Hansel stated that he will be meeting with the Sheriff's Department and State's Attorney's Office to address various zoning violations associated with this property.

Mr. Sandquist mentioned that there needs to be clear language concerning outdoor storage in the Unified Development Ordinance.

Ms. Schuster requested an update from staff concerning a horse racing event held in Union, Illinois on September 4, 2011. Mr. Sandquist stated that the owner applied for a permit which was not issued because the applicant was not able to satisfy several requirements in the zoning ordinance for temporary uses, one of which requires adequate insurance. The applicant was not able to satisfy the requirements in a timely manner and they were denied their permit. The property owner has applied for another temporary use permit for an

event to be held on October 9, 2011 which is being processed. Ms. Schuster reported that there were horse races held at the property in Union, Illinois on September 4, 2011 and the first race began at 9:15 a.m. Mr. Austin stated that the Sheriff's Department did not receive any calls complaining of any horse races being held on this date at this location, nor were there any reports to the Sheriff's Department of any activity being held on this date and at this location.

Ms. Schuster requested a State's Attorney's opinion concerning residents filing false information with permit/zoning applications.

EXECUTIVE SESSION: None.

ADJOURNMENT: Noting no further business, Ms. Donner made a motion, seconded by Ms. Draffkorn, to adjourn the meeting at 9:55 a.m. The motion carried with a unanimous voice vote.

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**RECOMMENDED FOR BOARD/COMMITTEE ACTION/APPROVAL:**

Recommend the appointment of Keith Weingart to the Greenwood Drainage District  
Resolution Authorizing a Contract for Brownfields Assessment Services with URS Corporation  
Resolution Approval to Enter Into contract with Mullins & Lonergan Associates for the Preparation of an  
Analysis of Impediments to Fair Housing Choice

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